

BOARD OF ELECTIONS

Addison Lester, Chairman
Darryl Hicks
Aaron Wright

FAYETTE COUNTY, GEORGIA

Floyd L Jones, Director
April Crosby, Elections Supervisor
Brian Hill, County Registrar



140 Stonewall Avenue West
Elections Office, Suite 208
Fayetteville, GA 30214

AGENDA

November 16, 2018
5:30 p.m.

Welcome to the meeting of your Fayette County Board of Elections. Your participation is appreciated. All regularly scheduled Board meetings are open to the public and are generally held on the 4th Tuesday of each month at 5:00 p.m.

Chairman to Call the Meeting to Order**Approval of the Agenda****PUBLIC COMMENTS:****CERTIFICATION:**

1. Re-certification of the November 6, 2018 General Election and Special Election Results.

APPROVAL OF MINUTES:

2. Consideration of staff's request to approve the November 9, 2018 Board of Elections' Meeting Minutes.

PUBLIC HEARING:**CONSENT AGENDA:****OLD BUSINESS:****NEW BUSINESS:**

3. Consideration of staff's recommendation to hold a meeting of the Fayette County Board of Elections on Friday, December 7, 2018 at 5:00 p.m. to certify the December 4, 2018 General Runoff Election.

DIRECTOR'S REPORT:**ATTORNEY'S REPORTS:****BOARD MEMBERS REPORTS:****EXECUTIVE SESSION:****ADJOURNMENT:**

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MINUTES

November 9, 2018
5:00 p.m.

Welcome to the meeting of your Fayette County Board of Elections. Your participation is appreciated. All regularly scheduled Board meetings are open to the public and are generally held on the 4th Tuesday of each month at 5:00 p.m.

Chairman to Call the Meeting to Order

Chairman Lester called the November 9, 2018 Board of Elections meeting to order at 5:00 p.m.

Approval of the Agenda

Mr. Hicks moved to approve the Agenda as published. Mr. Wright seconded the motion. The motion passed 3-0.

PUBLIC COMMENTS:

Two members of the public were present. None spoke when given the opportunity.

CERTIFICATION:

1. Certification of the November 6, 2018 General Election and Special Election Results.

County Registrar Brian Hill provided the Board with recommendations on either approving or not approving provisional ballots cast for the November 6, 2018 General Election. His recommendations were:

Absentee In-Person Provisional Ballots- Statewide- General Election

Approve:

Mr. Hill stated that three provisional ballots were issued during Absentee In-Person voting due to ENet going down.

Mr. Hill stated Mr. James Johnson, Jr. has always been a Fayette County resident and his audit history shows him voting in Fayette County. He stated there is another James Johnson, Jr. who shares the same birthdate but lives in Gwinnett County with a different Social Security Number and different Driver's License number. Mr. Hill stated that Gwinnett County's James Johnson voted in Gwinnett County and that Fayette County's James Johnson voted provisionally. Mr. Hill stated that he spoke to Gwinnett County about this matter and it was resolved partially. Gwinnett County had "taken" Fayette County's James Johnson, and Fayette County took him back- restoring him back as a Fayette County voter. He said steps were taken so this matter will not be repeated in future elections. The problem is that both James Johnson, Jrs. are shown as voting and it is difficult to provide credit for voting in Fayette County. Mr. Hill stated that the Secretary of State's Office is aware of the matter and they will need to correct

the matter so that Mr. Johnson can be given credit for voting in Fayette County. Mr. Hill stated that the ballot will be counted but that credit cannot be given for credit in ENet until this is resolved by the State of Georgia. Mr. Hill recommended accepting Mr. Johnson's ballot so that his vote will count. Mr. Johnson was in the meeting and was informed in person that his vote would count.

Mr. Hill stated that Emily Lee voted regularly during Advanced In Person, but while she was voting ENet went down. As a result, the Ms. Lee voted provisionally and she voted in her correct precinct. Mr. Hill recommended approval of the provisional ballot.

Reject:

Mr. Hill recommended rejecting a provisional ballot from a voter who is registered in Fulton County. Mr. Hill stated that he reviewed the audit history and found that the voter is a true Fulton County voter.

November 6, 2018 Provisional Ballots- Statewide- General Election

Accept:

Mr. Hill stated Courtney Lowery requested a ballot by mail but it was not received on time due to the post office being bogged down. Mr. Hill stated there were a lot of problems with the post office delivering the ballots on time, but at the same time the County was working as closely as possible with the post office.

Mr. Hill stated Courtney Lowery did not receive her ballot by mail, so her mail-in ballot was cancelled and she was able to vote provisionally. Mr. Hill recommended accepting Ms. Lowery's ballot.

Mr. Hill stated that Terry Pollard had a similar circumstance as Ms. Lowery and that Mr. Pollard's ballot should be accepted.

Others who had Absentee by Mail ballots that were cancelled and who voted provisionally were: Julian Johnson, Willie Poole, Lloyd Malcolm, Ayshia Arceneaux, Erin Malcolm, Montez Bowers, and Zoe Terry

Ms. Zion Thomas was taken by Clayton County by mistake and, therefore, was not in the Express Poll or voters list. She was returned to Fayette County and was able to vote provisionally. Mr. Hill recommended that her provisional ballot be counted.

Katrina Wolff went to her proper precinct but her name did not come up in Express Poll. She is indeed registered in Fayette County and Mr. Hill recommended that her provisional ballot be counted. Mr. Rex White had a similar experience. Mr. White is a registered Fayette County voter and it was recommended that his provisional ballot be counted.

Joshua Render was taken by mistake by Cobb County but he is truly a Fayette County resident. Mr. Hill recommended that the provisional ballot be counted, and Fayette County has taken over his record.

Emmanuel Fortuchang requested an Absentee by Mail ballot but it was rejected since the Oath was not completed. A second Absentee by Mail ballot was sent to him with similar results. Mr. Fortuchang then came to vote on Election Day and was provided a provisional ballot. Mr. Hill recommended approving the provisional ballot.

Mr. Hicks stated that there may have been a conversation between staff and Mr. David Worley stating an Absentee by Mail ballot could not be rejected, based on the Attorney General's decision, if the address or birth date was not filled out. Mr. Hicks stated he thought there was lawsuit that had been filed on this matter and that the State Board of Elections and the Attorney General had weighed in on this. Mr. Hicks recommended keeping up with all rejected ballots just in case there is a decision in the lawsuit.

Elections Director Floyd Jones stated that the conversation with Mr. Worley had occurred and that he followed up with Melanie Frechette of the Secretary of State's Office regarding any additional ruling of accepting incomplete oaths. Mr. Jones stated that the Secretary of State's Office stated there was no ruling from either the State Elections Board or the Attorney General and that Fayette County should continue as is so long as it is providing a consistent standard in its determinations.

Mr. Hicks reiterated that the records be maintained, but that the county was operating correctly until a ruling was issued by a court. Discussion followed.

Donovan Justice lost his Absentee by Mail ballot, so his ballot was canceled and he voted provisionally. Mr. Hill recommended approving the provisional ballot.

Stephen Gardner made an address change through the Department of Driver's Services but it did not come through on time. This was not the fault of the voter but rather was a problem with the system at the Department of Driver's Services. Mr. Hill recommended approving Mr. Gardner's provisional ballot. The same issue involved Mr. Michael Albanese who also voted provisionally. Mr. Hill recommended approving Mr. Albanese's provisional ballot.

Pamela O'Neil is registered in Fayette County but her name did not come up on the Elector's List. She voted provisionally. Mr. Hill recommended approval of her provisional ballot since she is a registered Fayette County voter. The same applied to Mr. Darnell Buck.

Daniel Baily was taken by Washington County even though he is a Fayette County registered voter. Fayette County took back Mr. Baily, but it caused him to vote a provisional ballot. Mr. Hill recommended approving Mr. Baily's provisional ballot.

Mr. Hicks stated there was a young lady that he observed at the McDonough Road Baptist Church precinct, and he saw a young lady be informed she was a voter in Fulton County. She was not provided a provisional ballot and there needs to be a discussion about why she was turned around and sent back to Fulton County. Mr. Hicks stated he informed the lady that she should go to Fulton County since he did not know that the provisional ballot would be researched. Mr. Hill and Mr. Jones stated that all poll workers are informed to allow voters to vote provisional ballots. Elections Supervisor April Crosby added that is not how poll workers are trained. Mr. Hicks stated it was conceivable that she went to Fulton County, that Fulton County may research her provisional ballot, and that the provisional ballot will not be counted.

Alec Grove voted at the wrong precinct so his provisional ballot was recommended to be partially counted. The same applied for Bryan Decker, Carolyn Dishburger, Lisa Nesbit, Bardee Dumphree, Eric Imker, Debra Imker, Tammy Mercure, Marcy Gaitlin, James Concannon, Annelise Hildebrandt, Olivia Jackson, Virginia Kennedy, and Judith Dance.

Reject:

The following provisional ballots were recommended for rejection since the provisional voters are not registered to vote or did not register to vote on time:

Misty Shows, Otisha Vidal, Kymberlen James, Zantryna Brannon, Belinda Ndu, Ricky Thomas Cook, Andrew Vazquez, Lynnesia McGahee (registered to vote at 17 ½ years of age- not eighteen years old on Election Day), Lee Ann Holdsworth, Chad Norris, Kai Fox, Zachary Charles McCarthy, Evita Rodriquez, Rachael Bard, Owen Anderson, Ian Hopper, Sylvia Danekes, Joshua Cannon, Emily Floyd,

The following provisional ballots were recommended for rejection since the provisional voter is registered in a different county:

Courtney Littlejohn (Fulton County)
Miria Rodriguez (Cobb County)
Kinyatta Davis (Clayton County)
Darnell Brown, Jr. (Clayton County)
Christopher Simao (DeKalb County)
Cherita Williams (Clayton County)
Anna Phillips (DeKalb County)
John Nicholas Phillips (DeKalb County)

Eric Neal (Fulton County)
Teaa Bing (Fulton County)
Ervin Wallace (DeKalb County)
Erica McKnight (Clayton County)
Ryan Epstein (Cobb County)
Emma Baggett (Clarke County)
Kimberly Ann Byrd (Fulton County)
Robert Garcia (Chatham County)
Juanita Cunningham (Madison County)
Melissa Merve Codner (Fulton County)
Charles Marchant (Worth County)
Kasie Leigh Robinson (Spalding County)
Shikinah L. Blackshear (Clayton County)
Sadiq Webb (Troup County)
Ronald Robertson Gilzeane (Henry County)
Robin Brink (Spalding County)
Caleb Norton (Pike County)
Darryl Butler (Columbia County)
Devin Fourqurean (Troup County)
Mehwish Walker (DeKalb County)
Jill Harding Snelgrove (Cobb County)
Leigha Kimberly Grant (DeKalb County)
Thomas Richmond (Clarke County)
Takeisha M. Hill (Clayton County)

The following provisional ballot was recommended for rejection since the provisional voter is registered as a felon:

Gwendolyn Sheppard

The following provisional ballot was recommended for rejection since his address is at a commercial location and therefore is not a registered voter:

Earnest Hooks, Junior

Mr. Hicks stated that perhaps an educational effort be made to inform voters of the My Voter Page and to assure voters that extensive research is made for each recommendation of approval or rejection.

November 6, 2018 Provisional Ballots- Statewide- Municipal Election

Accept:

The following municipal provisional ballots were recommended for acceptance since they went to the wrong precinct. Eric Imker, Debra Imker, Alec Grove, Bryan Decker.

Reject:

The following municipal provisional ballots were recommended for rejection due to voting out of county:

Robert Garcia (Chatham County)
Juanita Cunningham (Madison County)

Charles Marchant (Worth County)
Kasie Robinson (Spalding County)

The following municipal provisional ballots were recommended for rejection since the voter is not registered: Kai Fox, and Ian Hopper.

Mr. Hicks moved to accept the recommendations as provided by County Registrar Brian Hill. Mr. Wright seconded the motion. The motion passed 3-0.

Mr. Hill and staff left the meeting to process the accepted provisional ballots.

APPROVAL OF MINUTES:

2. Consideration of staff's request to approve the September 25, 2018 Board of Elections' Meeting Minutes.

Mr. Hicks moved to approve the September 25, 2018 Board of Elections' Meeting Minutes. Mr. Wright seconded the motion. The motion passed 3-0.

PUBLIC HEARING:

3. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased.

Mr. Hicks moved to approve staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as deceased. Chairman Lester seconded the motion. The motion passed 3-0. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

4. Public Hearing of staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons.

Mr. Hicks moved to approve staff's recommendation to remove registered Fayette County voters from the Electors List who are registered in the State of Georgia's Secretary of State Voter Registration System as felons. Mr. Wright seconded the motion. The motion passed 3-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

There were no item on Consent Agenda.

OLD BUSINESS:

There were no items for Old Business.

NEW BUSINESS:

5. Consideration of staff's recommendation to adopt the Calendar Year 2019 Board of Elections' Meeting Schedule.

Director Jones confirmed that the recommended dates are the last dates Tuesdays of each month with the exception of the November meeting. He also added that there could be adjustments to the meeting schedule as 2019 progresses.

Mr. Hicks moved to approve the Calendar Year 2019 Board of Elections' Meeting Schedule. Mr. Wright seconded the motion. The motion passed 3-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

DIRECTOR'S REPORT:

Security in the Elections Office: Director Jones stated that the Elections Office had been provided security. He mentioned that April and Brian had set it off already a couple of times and the police responded each time.

November 2018 General Election: Director Jones stated that the November 2018 General Election was just over 3,000 votes shy of matching the November 2016 Presidential Election. He added that this election was enhanced since it was a dual election, and it was all done on a mid-term budget and with mid-term staffing. He stated about 80,000 ballots were cast in total.

Brooks Precinct: Director Jones stated there were issues at the Brooks Precinct. He said he received about seven complaints from residents as well as from the Mayor Pro Tem. He added that the Mayor Pro Tem said he would send a letter to Mr. Jones and the Board of Commissioners. The chief complaints were the lines, the number of machines, and the organization in the church which caused confusion. Discussion was held about the requirements to bring another machine to the Brooks precinct during a real time election. Mr. Jones replied that in order to do so would require having two people transport additional machines to Brooks, and he did not have two additional people to pull off-line. Chairman Lester stated that people in the Brooks precinct do not like to vote early. It was considered opening a new early voting site and it was suggested that perhaps the Brooks Library could be used. Discussion followed. Mr. Wright was happy there was such a turnout, but he was unhappy that they came after elections staff. He stated that the Board will need to have staff's back on this. The Board agreed. Mr. Jones stated there was someone who is claiming voter suppression at Brooks. He completely rejected that accusation saying that the voters in Brooks had the same opportunities to vote early. Mr. Hicks stated there was a lady at Liberty Baptist Church who had to vote provisional and she was upset. The poll worker stated it was a mistake on behalf of the county, but there was no reason given regarding what the mistake was. Mr. Jones stated this was the first he had heard of that problem at Liberty Baptist Church, so he was unsure how to best address it. Mr. Jones then provided some quick numbers for the 2016 election. Mr. Jones added that Fayette County had the 7th highest voter participation, by percentage of voter turnout, in Georgia, placing the county in top 4% of all counties in Georgia. Still, Fayette County has more active voters and more voter turnout than the top six counties in aggregate.

Runoff Election: Director Jones discussed how the December 4 runoff and how planning for it is itself tricky since there is uncertainty about voter turnout during the runoff could be massive or could be minimal. Discussion followed on methods on how to best staff and machine the precincts. Discussion also followed about the challenges for preparing and holding early voting given the compressed timeframe in getting to the December 4 Election and given the uncertainty with court challenges. It was expressed that there are many questions about many days can be given for early elections. The Board also agreed that the early voting, when it begins, should be open from 7:00 a.m. until 5:00 p.m. This was agreed upon for consistency sake. The Board agreed to let Mr. Jones build the schedule. There was a question on whether there is budget for this runoff election. The Board agreed that the Commissioners were put on notice that additional funding might be needed if a runoff took place. This notice was expressly given at the 2018 Commissioners Retreat. Further, the Board agreed that even if there is an "issue" with the budget it would not be a legal issue since the election has to be funded.

Stacy Abrams Notice of Potential Litigation: Director Jones provided each Board member with a notice of potential litigation from the Stacy Abrams campaign. It is not targeted to Fayette County, specifically, but went to all Georgia counties. He asked the Board to read the notice and to follow its prescriptions.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

BOARD MEMBERS REPORTS:

Chairman Lester: Chairman Lester apologized to Mr. Hicks and to Mr. Wright from the standpoint that when he talked to each Board member it left a different impression on how he and Director Jones would work with County Administrator Steve Rapson. He said it was different phone conversations and opened different understandings. He said that in the future communication would be done by email. Mr. Wright stated it was on all three members to communicate with each other. Chairman Lester stated that ever since the controversy with the letter, Mr. Rapson has been very complimentary of staff and how they are handling this election. He added that Mr. Rapson has reached out to meet as soon as possible to talk about future space and he wants County Attorney Dennis Davenport to be a part of the discussion. Director Jones added that the discussion would focus on both short-term and long-term solutions. Mr. Hicks added that having the election upstairs highlighted the issues of being upstairs so it was a silver-lining. Chairman Lester stated that Fire Station #4 would not support the voter turnout as given this election.

The Board recessed the November 9, 2018 Board of Elections Meeting in order to allow time for staff to continue certifying the results.

The Board went into recess at 6:33 p.m. and returned to Official Session at 7:10 p.m.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Chairman Lester moved to accept the final results and certify the November 6, 2018 election results for Fayette County. Mr. Hicks seconded the motion. The motion passed 3-0.

The Board certified the Election results.

Chairman Lester moved to adjourn the November 9, 2018 Board of Elections meeting. Mr. Hicks seconded the motion. The motion passed 3-0.

The Board of Elections adjourned the November 9, 2018 Board of Elections meeting at 7:11 p.m.

Floyd L. Jones, Director

Addison Lester, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Elections of Fayette County, Georgia, held on the 16th day of November 2018. Referenced attachments are available upon request in the Board of Elections' Office.

Floyd L. Jones, Director